

JEFFERSON COUNTY COMMISSIONERS
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TOM LYTHGOE, CHAIR

CHUCK NOTBOHM

KEN WEBER

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
July 25, 2006**

Present: Commissioners Lythgoe, Notbohm and Weber; Harold Stepper, County Planner; Mike Hoffman, Assistant Planner; Dan McCauley, Great West Engineering; Tom Harrington and Tara Mastel, JLDC; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Ron and Yvonne Pearson, Celia Wolny, Jim Lynch

MINUTES

Commissioner Weber moved to approve the minutes of July 11. Commissioner Notbohm seconded. The motion carried.

CALENDAR REVIEW

- 7/26 Meeting with Darlene Staffeldt, State Library - 10:00
- 7/27 CTAC - Whitehall - 8:00
Juvenile Detention - Galen - 1:00
North Jefferson County Zoning Commission - 3:00
- 7/28 Museum budget - 9:30
CSAA - Helena - 10:00
John Tester at the Elkhorn Café - 11:30
- 8/01 Safety Committee - 9:00

COMMISSION REPORTS

BUDGETS

Commissioner Lythgoe reported that the past week the Commission has met with Department Heads and Elected Officials regarding their budgets. He is pleased with how well they have all kept their budgets in line. They will get the information to Bonnie and she'll plug in the mill value the first week of August, then tell us where we are with the budget requests.

RID/RMD PUBLIC MEETING

Commissioner Weber stated that the meeting on the 18th was very successful, with approximately 70 people in attendance.

SOLID WASTE MEETING

July 25, 2006 minutes.wpd

Commissioner Weber reported that the Solid Waste Board voted to change the membership of the board from seven to six, which will required a 2/3 vote of the board and will also require a 2/3 vote from the Commission.

FOREST SERVICE ROADS

Commissioner Notbohm reported that he took a drive in the Park Lake area, and to date there is no change, and no new blockage.

SUBDIVISION REVIEW

FINAL PLAT APPROVAL - BROWN MINOR SUBDIVISION

Mike Hoffman, Assistant Planner, presented his staff report and recommended that final plat approval be granted. Commissioner Weber moved to grant final plat approval to the Brown Minor Subdivision. Commissioner Notbohm seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

APPROVE SAFETY DAY PICNIC

Commissioner Weber stated that the Safety Committee wanted this put on the agenda, because some were concerned that people might consider this a misappropriation of county funds.

Commissioner Weber moved approve the Safety Day picnic, as outlined by the Safety Committee. Commissioner Notbohm seconded. The motion carried.

RESOLUTION 19-2006 APPOINTING COUNTY SANITARIAN AS THE ENVIRONMENTAL CERTIFYING OFFICIAL

Commissioner Weber read the resolution as follows:

RESOLUTION 19-2006

A RESOLUTION APPOINTING THE COUNTY SANITARIAN AS THE ENVIRONMENTAL CERTIFYING OFFICIAL FOR ALL ACTIVITIES ASSOCIATED WITH THE ENVIRONMENTAL REVIEW PROCESS

WHEREAS, the State of Montana requires that the Environmental Certifying Officer responsible for the environmental review process for grants be appointed by County Resolution; and

WHEREAS, to conform to the grant requirements, Jefferson County is designating the County Sanitarian as the qualified person responsible for all activities associated with the environmental review process for grants.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Jefferson County Board

of Commissioners hereby appoints the County Sanitarian as the Environmental Certifying Officer for the expenditure of all grant funds for which an Environmental Certifying Officer is required, for all projects funded and approved by the Montana Department of Commerce HOME Investment Partnerships and Community Development Block Grant (CDBG) Programs conducted in Jefferson County, including when appropriate, but not limited to the following:

CDBG Housing and Public Facility Grants

CDBG Economic Development Grants

CDBG Wildfire Impact Grants

Flood Grants

HOME Grants

U.S. Department of Commerce Economic Development Administration Grants

Treasure State Endowment Grants

CTEP Grants

DATED this 25th day of July, 2006.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER

Commissioner Weber moved to adopt the resolution. Commissioner Notbohm seconded. The motion carried.

DISCUSS AND DECIDE ON AMENDING SUBDIVISION REGULATIONS ON INGRESS-EGRESS INTO SUBDIVISIONS

Commissioner Lythgoe stated that the proposed language was worked up by Harold Stepper, the County Planner. The current language reads, "*Each subdivision shall provide at least two different ingress-egress routes*". The proposed new language reads: "*Each subdivision shall provide at least two different ingress-egress routes. If for some reason, two different ingress-egress routes are not attainable, the developer will submit a written request for a variance to the governing body prior to Preliminary Plat approval. The request must contain a proposed plan of the subdivision. A variance request approval does not constitute a Preliminary Plat approval*".

for the subdivision.”

Commissioner Notbohm moved to proceed with a resolution of intent to amend the subdivision regulations regarding two points of ingress-egress. Commissioner Weber seconded. The motion carried.

PUBLIC HEARING - BASIN WATER AND SEWER DISTRICT

Commissioner Lythgoe called the public hearing to order and called for comments. Hearing no comments, he closed the public hearing.

DISCUSS AND DECIDE ON COMMISSION POSITION AND ACTION AS RELATES TO GATED AND DEBRIS-LITTERED ROADS IN THE CLANCY-UNIONVILLE AREA

Commissioner Weber stated that he thinks the Commission should pick the roads that they are definitely going to take action on and start the resolution process to claim the roads and get them opened back up. Commissioner Lythgoe asked if the process includes the County Attorney and the Sheriff. Commissioner Weber stated that it does. He has spoken with Matt, who wants to be kept abreast of what is happening. Commissioner Lythgoe stated that Matt needs to be more than kept abreast; he needs to give direction to the Sheriff to open these roads.

Commissioner Notbohm stated that the Clancy-Unionville travel plan has been put into effect. He would recommend, for clarification, that they use the travel plan maps for road names and numbers. This would avoid confusion. He stated that he needs to point out that the map isn't a real good explanation of what is happening, as not all of the roads in the area are on the map. Commissioner Weber stated that this is why he suggests that the Commission pick the roads; they may want to open some that are not on the travel plan map. Commissioner Lythgoe noted that there are maps available that show roads that are not on the travel plan map. Commissioner Weber noted that it might be beneficial to the process to GPS the designated roads, rather than just go by the travel plan. Commissioner Lythgoe stated that the first step should be to go with the roads that they saw were closed and littered with debris. Commissioner Notbohm agreed that the blocked roads are a good way to start. There are roads up there that are numbered, but some are not. They need to consider some sort of resolution as to where they stand on these roads. The Forest Service has never recognized the authority of the Commission. The Board of Commissioners was originally formed to deal with roads, and each Commissioner was the superintendent in his own district.

Commissioner Weber stated, for the sake of the audience, that the Forest Service hired several groups of volunteers to go in and cut trees and block some roads. Commissioner Lythgoe stated that the blockage is 15 feet high and the length of a football field.

Commissioner Notbohm stated that he has been contacted by someone in the area that has a lease to graze cattle on the Forest Service, but the area is blocked so well that she can't even get in on horseback. Part of the lease requires that the lessee maintain the fence, but she can't get in. This spring, instead of using rocks and deadfall to block the road, someone went in and cut live trees to block the roads. Commissioner Lythgoe stated that other counties are dealing with this too. Jefferson County started the ball rolling, and other counties are looking at what we are doing.

Jefferson County currently has a good relationship with the BLM and Forest Service.

Celia Wolny asked if the roads in question are on national forest land. Commissioner Lythgoe stated that they are. Commissioner Weber stated that some roads are a right-of-way that goes through national forest, state or public lands. Commissioner Notbohm stated that they are working with the BLM and Forest Service to open the roads. Commissioner Weber stated that they are attempting to work with these agencies, but there doesn't seem to be a pathway to work together, from meetings they have had in the past. Commissioner Lythgoe noted that they have been working on this since the previous fall, and they all entered into the process with the hope that they could work together to solve this. There have been several meetings, two on-site tours in the Clancy-Unionville area, and quite a bit of discussion of what the Commission wants to see, but there seems to be a disconnect.

Celia asked what the purpose is of opening these roads. Commissioner Weber stated that it is public access to public lands. Commissioner Lythgoe also noted the possibility of future economic development opportunities as well as fighting forest fires. Commissioner Notbohm stated that when Montana became a state, Congress dedicated the roads to the public, under the control of the County Commissioners.

REPORT FROM JLDC ANNUAL PLANNING MEETING

Tara Mastel, JLDC Manager, reported that the Board of Directors met on July 12th, with all but three members in attendance. They reviewed the progress of the 2006 work plan. They discussed mining, the rapid growth of the county, and reviewed the resources the JLDC has available, and also reviewed the budget. She stated that the meeting was a nice opportunity to discuss where we're at with the Jefferson County economy.

Tara stated that the JLDC has the opportunity to work with Larry Swanson, an expert in growth and change. She is asking that the Commission consider having Larry do a study of the County. He has conducted studies in Helena, Bozeman and Butte, and he is interested in Jefferson County and the opportunity to plan for growth. She has spoken with the Mayor of Choteau, where Larry did an analysis several years ago, and they are still using the data. She feels that this would be an excellent tool for Jefferson County to use for both long and short-term planning. It could also be posted on the County website. The JLDC would like Larry to do an analysis and also to speak at the annual meeting in the fall. Commissioner Lythgoe stated that personally, he thinks that if they have this quality of person willing to do this type of study for this low an amount of money, it should be added to the budget. Commissioner Notbohm asked how comprehensive the study is. Tara stated that there will be a very comprehensive talk and a detailed report. The study will be specific to Jefferson County, and also tie in data from the surrounding area. Commissioner Weber asked how far out they would need to book Larry. Tara stated that he is still available in September.

Commissioner Lythgoe stated that this can be decided as a Commission decision and use economic development money to add to their budget, but they are still a ways away from the completed budget. It would be better to deal with this separately. He noted that the housing issue is huge in the central and south areas of the county. Celia asked if the emphasis on housing

is due to YDI and the meth facility. Commissioner Lythgoe stated that this was a trigger, but that there really is no available or affordable housing to be had. They have discussed the need for housing. Celia noted that “affordable” has been dropped, but pointed out that these facilities will have jobs with lower salaries, so affordability will be important.

DISCUSS AND DECIDE ON APPROVAL OF THE MOU WITH DORSEY & WHITNEY LLP FOR CHARGES RELATED TO ACTING AS BOND COUNSEL FOR THE SOUTH HILLS AREA RID

Commissioner Lythgoe reported that the Commission has received a proposal from Mae Nan Ellingson outlining all of the costs associated with her doing what she does to make the RID happen. These will become a part of the RID costs, and the charges are based on time spent, the size of the bond issue and the complexity of the financing. Commissioner Weber moved to enter into the agreement with Dorsey & Whitney LLP to act as bond council. Commissioner Notbohm seconded. The motion carried.

RESOLUTION 23-2006 RESOLUTION OF INTENT TO FORM THE SOUTH HILLS AREA RID

Commissioner Lythgoe presented and read the highlights of the resolution. Commissioner Notbohm noted the rising prices of gas and materials, in regards to the time frame of when the resolution goes out to the homeowners and when they will get bids. Commissioner Lythgoe stated that Great West has changed the contingency from 10% to 15%, and they feel confident with the figure presented. Commissioner Notbohm noted he was listening to Lewis and Clark County Commissioner Mike Murray on the radio that morning, and it was said that roads are being upgraded at one million dollars a mile in Lewis and Clark County. Commissioner Lythgoe noted that this figure is for pavement. Commissioner Weber stated that it is his understanding from the meeting that the bond value will be based on the bid. Dan McCauley, Great West, stated that his understanding is that they can go over that figure by 4%.

Ron Pearson presented two letters to the Commission, as well as a map. He and his wife are asking to be excluded from the district, as they use Meadowlark Lane or Quarry south to Jackson Creek Road. He would like to put millings on Meadowlark Lane in cooperation with other landowners. The other residents are willing to participate. He is looking at spending the same amount to upgrade a shorter distance to Meadowlark Lane than to South Hills. He is personally more than happy to plow Meadowlark Lane. It is in his best interest to put his money into Meadowlark Lane, which will be approximately the same up front. He asked that Roger Lawrence, who resides in New Jersey, be excluded if nothing else. Ron stated that he is willing to pay to improve the road, but he won't have the money to do it next year. He is willing to put his energy into this. Commissioner Weber stated that they have had very poor luck with reconstituted asphalt at three inches. Ron stated that it is a very low traffic area, and he may chip seal in the future.

Commissioner Lythgoe stated that they did discuss adjusting the boundaries of the district to include some other roads. It was decided not to do this, and he is still inclined to stick with that decision. Commissioner Notbohm stated that they have come a long way in the process. If they change something at this late date, they will have a loss of credibility. Ron stated that people

who don't live on the road are tearing it up. They need to do something to keep the road from falling apart. Commissioner Lythgoe stated that there are four residents on the road and they have heard from two of them. This was discussed the previous week, and they decided not to change the boundaries. Ron stated that the boundaries were never published; he had to go to Great West to find out what they were. If the boundaries were published two months ago, he would have started this a long time ago.

Commissioner Weber moved to pass Resolution 23-2006. Commissioner Notbohm seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER